



±FW

03630.000178.1

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Vu B. Hang
TIMOTHY L. KOHLER, et al.)	
	:	Group Art Unit: 2625
Application No.: 10/763,214)	
	:	
Filed: January 26, 2004)	
	:	
For: CAPABILITY)	
NEGOTIATION BETWEEN	:	
PRINTER AND TARGET)	
DEVICE	:	August 20, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE
AND
STATEMENT SUMMARIZING INTERVIEW

Sir:

This is a response to the Office Action dated June 9, 2008 in the above-identified application.

The Office Action acts on an incorrect set of claims. More specifically, the Office Action acts on the originally-filed claims, rather than the claims as amended in the Preliminary Amendment dated January 23, 2004 (which was filed with a filing date of January 26, 2004).

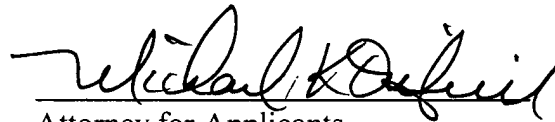
This matter was brought to the Examiner's attention during a telephone interview conducted on August 19, 2008. During the interview, the Examiner confirmed that he had acted on an incorrect set of claims, and not on the claims as amended by the

Preliminary Amendment. The Examiner confirmed that he is withdrawing the Office Action, and would issue a substituted Office Action which acted on the correct set of claims.

The Examiner also asked for the filing of this Response, so as to trigger the USPTO's computerized docketing system.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael K. O'Neill", is written over a horizontal line.

Attorney for Applicants
Michael K. O'Neill
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200